

**Town of Underhill
Development Review Board Minutes
August 3, 2020**

BOARD MEMBERS PRESENT:

Charles Van Winkle, Chair*
Stacey Turkos, Vice Chair*
Matt Chapek*
Mark Green*
Karen McKnight*
Penny Miller*
Daniel Lee*

STAFF/MUNICIPAL REPRESENTATIVES PRESENT:

Andrew Strniste, Zoning Administrator*

OTHERS PRESENT:

Michael Diffenderffer, Applicant (PV015)
John Stuart, Applicant's Rep. (PV015)
Phil Jacobs, Applicant (HR016)
Paul O'Leary, Applicant's Rep (HR016)
Ryan Morse, Applicant's Rep (HR016)
Bob Bogaczyk, Abutting Neighbor (HR010)
David Richiedei, Abutting Neighbor (HR012)
Dori Richiedei, Abutting Neighbor (HR012)
Bob Covey, Abutting Neighbor (HR014)
William Widlund, Abutting Neighbor, JB008)
Alan Morse, Abutting Neighbor (MD018)

*Attended the meeting via the Go-To-Meeting Platform

RECORDING:

This meeting was digitally recorded, and can be found at the following website:

<https://archive.org/details/underhilldrb07202020>

6:35 PM – 08/03/2020 DRB Public Meeting

- Members of the Board convened on the Go-To-Meeting platform around 6:25 PM.
- [6:35] Chair Van Winkle commenced with the evening's meeting, starting by explaining the meeting was being held remotely in response to the COVID-19 pandemic and in accordance with Vermont state law. No adjustments to the agenda were made. No general public were in attendance to provide general public comment.

**6:36 PM – Diffenderffer Continued Conditional Use Review
15 Pleasant Valley Road (PV015), Underhill, Vermont**

Docket #: DRB-19-12

- [6:36] Chair Van Winkle began the evening's hearing by explaining the meeting procedures for the conditional use review application. The application before the Board pertained to the conversion of a multi-family dwelling to a mixed-used structure containing three dwelling units, restaurant space, and office space. The subject property is owned by Michael Diffenderffer. The Applicant, Michael Diffenderffer, and his representative, John Stuart, were before the Board to discuss the application. Staff Member Strniste explained to the Board that there had been a defect in the warning, as the original hearing was never warned in the *Burlington Free Press* as originally thought. He then provided an overview of the events that had transpired over the course of the last 10 months, and explained to the Board the new information/exhibits from the original hearing in October of 2019.
- [6:45] John Stuart, the Applicant's engineer, provided an overview of the submitted, updated site plan, outlining the changes to address the concerns in the Board's October 22, 2019 memorandum sent to Mr. Diffenderffer.
- [6:52] Staff Member Strniste provided comments relating to the updated materials. Board Member Mill expressed her concerns about what was depicted on the site plan compared to the circumstances in the field, as well as concerns relating to the feasibility of some of the

proposed aspects of the project. A discussion ensued about the parking arrangement, as well as snow removal. John Stuart advised that he would provide additional details to the site plan to address the concerns discussed during the evening's hearing. Board Member Miller asked for clarification relating to the employee parking area.

- [7:25] Board Member Chapek inquired about the number of parking spaces depicted on the plan. The Board agreed that depicting all 27 parking spaces were unnecessary. Board Member Lee inquired about the number of bedrooms in each bedroom, and Board Member McKnight inquired about the presence of knotweed.
- [7:48] The Board provided clarification as their requests relating to amendments to the site plan. The Applicant and representative informed the Board that one week was only needed to make the changes. Board Member Lee made a motion to continue to the hearing to Monday, August 17, 2020 at 6:35 PM. The motion was seconded by Board Member McKnight. Discussion ensued about the type of material used for the parking areas, as well as the 50% vegetative riparian buffer for Brown's River. The motion was approved unanimously – 6-0, as Board Member Turkos abstained due to having exited the meeting.

**7:53 PM – Jacobs Sketch Plan Review
16 Harvest Run (HR016), Underhill, Vermont**

Docket #: DRB-20-08

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- [7:53] Chair Van Winkle began the evening's meeting by explaining the meeting procedures for the sketch plan review application. The application before the Board pertained to a 3-lot subdivision (an 8-lot re-subdivision) of land that the Applicant, Phil Jacobs, owns at 16 Harvest Run. The Applicant and his representatives, Paul O'Leary and Ryan Morse, were present to discuss the application. A few abutting neighbors were also in attendance to comment upon the application. No ex parte communications between the Board and the Applicant were identified, nor were any conflicts of interest identified. No additional exhibits were submitted into the record. The Applicant's representative, Paul O'Leary provided an overview of the application, answering some of the comments identified by Staff in his report.
 - [8:04] A discussion ensued about whether a stream crossing permit is required, in addition to the shared driveway serving Lot 14. Board Member Lee inquired about Lot 14's frontage, and whether it conforms with the Regulations. The Board then discussed the related stormwater infrastructure and whether a master plan should be required.
 - [8:19] Chair Van Winkle advised that the Board would be interested in revisiting the stormwater infrastructure. Abutting land owners were provided the opportunity to provide comments. Alan Morse vocalized his support for the application. David Richiedei informed the Board that he was worried about stormwater runoff.
 - [8:24] Board Member Chapek inquired as to why Harvest Run was extended in place of the shared driveway. Discussed re-ensued in regards to requiring a master plan.
 - [8:33] Bob Covey inquired about stormwater and the potential of requiring a master plan.
 - [8:34] The Applicant, Phil Jacobs, informed the Board that he had not varied from his original plans, and that he met with the Planning Commission to find out what the Town wanted him to do with his land at the lot. Staff Member Strniste clarified that that while he had an overall vision for the property, that vision was never translated to a site plan in the form of a master plan. In addition, Staff informed the Applicant that the Town could not tell him what to do with his land.
 - [8:40] Further discussion ensued about stormwater infrastructure (in response to a question by Dori Richiedei), a master plan, and land conservation.
 - [8:51] The Board agreed that they had enough information to make a decision about the

application. Board Member Chapek made a motion to close the evidentiary portion of the hearing, which was seconded by Board Member McKnight. No further discussion was provided. The motion passed unanimously – 6-0. Chair Van Winkle informed the Board the subdivision is to be classified as a major subdivision. Discussion ensued about the application, and what was being approved.

- [8:56] Board Member Lee made a motion to accept the application, which was seconded by Board Member Chapek. The motion was approved unanimously – 6-0. The evidentiary portion of the hearing was considered closed.

9:00 PM – Other Business

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- [9:00] The Board agreed to approve the minutes of the Monday, July 20, 2020 meeting at the Board's next meeting
 - [9:01] Board Member Chapek made a motion to enter into closed deliberation. The motion was seconded by Board Member McKnight and approved unanimously – 6-0.
 - [9:40] The Board adjourned.
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Submitted by:

Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 08/03/2020 meeting of the DRB were accepted
this _____ day of _____, 2020.

Charles Van Winkle, Development Review Board Chair

These minutes are subject to correction by the Underhill Development Review Board. Changes, if any, will be recorded in the Final meeting minutes of the meeting of the DRB.